REMARKS/ARGUMENTS

Claims 1-51 are pending in the present application. By this Response, claims 2, 4, 22, and 24 are canceled; claims 1, 3, 5, 8-10, 13-15, 19, 21, 23, 25, 28-30, 33-35, 39, 41-42, and 44-47 are amended. Reconsideration of the claims is respectfully requested.

I.   **35 U.S.C. § 102, Anticipation, Claims 1, 2, 5-22, and 25-51**

The examiner has rejected claims 1, 2, 5-22, and 25-51 under 35 U.S.C. § 102 as being anticipated by *Chisholm* (U.S. Patent No. 5,400,248). This rejection is respectfully traversed.

With regard to claim 1, the examiner states:

> As per claim 1, Chisholm discloses a method of collaborative voting, comprising:
> receiving a request for voter voting information (col. 3, lines 34-38; col. 16, lines 41-42; Voters may view voting information of other voters, including votes by voter categories.);
> providing the requested voter voting information in an anonymous manner such that the identities individual voters are not disclosed (cot. 16, lines 43-45; Voters may remain anonymous.); and
> receiving a vote based on the voter voting information (col. 15, lines 21-42; Voters place conditional votes, which means their votes are based on the voter voting information of other voters.).

Office Action dated December 14, 2005, pages 2-3.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). The *Chisholm* reference cited by the examiner does not anticipate the present invention as recited in claim 1, because *Chisholm* fails to teach each and every element of claim 1. Amended independent claim 1, which is representative of amended independent claims 21, 41, and 42 with regard to similarly recited subject matter, reads as follows:

> 1.   A method of collaborative voting, comprising:
> receiving a request for voter voting information prior to receiving a vote from the user, wherein receiving the request includes receiving a selection of one or more demographic voter categories for which voter voting information is to be provided;
> providing the requested voter voting information in an anonymous manner such that the identities of individual voters are not disclosed; and
> receiving a vote from the user based on the voter voting information provided.

As discussed in the Summary and, in particular, column 3, lines 22-38, *Chisholm* discloses a voting system that allows one or more parties to submit and/or modify a proposal requiring a vote. Vote input from each voter is solicited and accepted through a voting unit. The voting may be conditional

(i.e., a vote that is dependent upon the votes of other voters) or unconditional. Conditional votes are evaluated according to terms of the vote, and results of the vote are tabulated. The results are then displayed to the voters, at which time a second vote is allowed after the voter is allowed to see how others have voted. The vote process cycles through the process of soliciting, accepting, evaluating, processing, and displaying the results until a final deadline is reached.

Chisholm does not teach the feature of receiving a request for voter voting information prior to receiving a vote from the user, wherein receiving the request includes receiving a selection of one or more demographic voter categories for which voter voting information is to be provided. The examiner alleges that this feature is taught in the following cited passages below:

> The results are displayed to the group of voters at which time a second vote is allowed.
> The vote processor cycles through the process of soliciting, accepting, evaluating, processing, and displaying the results until a final deadline is reached.

Chisholm, col. 3, lines 34-38.

> Additional information, such as the breakdown of votes by various voter categories, can also be displayed.

Chisholm, col. 16, lines 41-42.

The first passage, column 3, lines 34-38, discloses that a user may determine how others are voting on an issue by first submitting in a vote (conditional vote). After a deadline for submitting in votes has passed, *Chisholm* processes all of the conditional votes and displays the vote results to the conditional voters. Once a user sees the results of the votes, the user may change his conditional vote based on the votes displayed and submit in a second vote. The second passage, column 16, lines 41-42, discloses that the vote results displayed to the voters may be broken down by various voter categories.

In view of the passages above, *Chisholm* discloses that a user may view information regarding how others are voting on a proposition or issue by first having submitted a conditional vote. In contrast, claim 1 of the present invention recites that the user may request voter voting information prior to the user having to submit in a vote at all. While *Chisholm* requires that a user first submit a conditional vote (because the user does not know how others have previously voted on this or other issues) and, after the results are tabulated, the user may subsequently change his mind upon obtaining the voting results, claim 1 of the present invention allows a user to request voter voting information first, and then, based on this information, submit in the user's vote. Thus, with the present invention, voting (e.g., conditionally) is not necessary to obtain information, since the user may be provided with voter information prior to the user submitting his vote.

In addition, claim 1 also recites that the user requests the voting information of others by selecting one or more voter categories, which are based on demographics of the voters. *Chisholm* does

not teach this feature. In fact, the examiner states that *Chisholm* does not teach that the voter categories are based on demographic information (Office Action, page 7). Thus, *Chisholm* does not anticipate claims 1, 21, 41, and 42.

However, it would not have been obvious to modify *Chisholm* to reach the features present in claim 1. *Chisholm* merely discloses that "a breakdown of votes by various voter categories can also be displayed" (col. 16, lines 41-42). The examiner states that "Voters may view voting information of other voters by voter categories" (Office Action, page 3). However, *Chisholm* does not teach that the user performs a selection of the demographic voter categories the user desires to see. Thus, *Chisholm* may display voter categories, but *Chisholm* does not teach that the users themselves can select which voting information is of interest to the user by selecting the particular voter categories of which they want to see voting information.

Furthermore, it also would not have been obvious to modify *Chisholm* to include demographic voter information as alleged by the examiner. Although *Chisholm* discloses that "various voter categories can also be displayed" (col. 16, lines 41-42), *Chisholm* follows this statement with a list of possible categories that the voters may be placed, as shown below:

> Additional information, such as the breakdown of votes by various voter categories, can also be displayed.
> Output confidentiality: Whether the voters are to be fully identified, end-result identified, fully anonymous, labelled, or probabilistically anonymous.
> "Fully identified" means that all votes, including the conditions upon which the votes are based, are available to everyone.
> "End-result identified" means that the final result (yes, no, abstain, indeterminate, and non-vote) of everyone's vote is identified with that voter, but not the conditions the voter specified which led to the final result.
> "Fully anonymous" means that only simple vote tallies--the number of yes, no, abstain, and indeterminate votes, and the number of non-voters--are made available to everyone.
> "Labelled" means that voters are identified throughout the voting process by means of labels, that allow their behavior to be tracked but not the voters identified.
> "Probabilistically anonymous" means that the vote administrator can specify a probability P, 0.ltoreq.P.ltoreq.1. The vote information made available to the voters is the same as "fully anonymous" or "labelled", depending upon the choice of the administrator, with probability 1-P, and is the same as "fully identified" with probability P. The probability P may be applied either to the voting group as a whole, or to voters individually and independently, depending upon the choice of the administrator.

Chisholm, col. 16, line 41 to col. 17, line 2.

Thus, as the passage above shows, *Chisholm* discloses that voters may be categorized in terms of confidentiality, not according to voter demographics. In contrast, claim 1 recites that the users themselves can request to see voter information by selecting a voter information category, and that the

selection is based on demographics categories of the voters. Consequently, *Chisholm* does not teach receiving a request for voter voting information prior to receiving a vote from the user, wherein receiving the request includes receiving a selection of one or more demographic voter categories for which voter voting information is to be provided, nor does *Chisholm* mention or suggest any desirability of doing so.

In view of the above, independent claims 1, 21, 41, and 42 are not taught by the *Chisholm*. At least by virtue of their dependency on claims 1, 21, and 42, respectively, *Chisholm* also does not teach dependent claims 3, 5-20, 23, 25-40, and 43-51. Furthermore, these dependent claims include additional features also not found in the *Chisholm* reference.

For example, claims 5 and 25 recite that the one or more demographic voter categories are based on voter affiliations with other voters. As *Chisholm* has been shown not to teach or suggest demographic voter categories, *Chisholm* cannot teach the features of claims 5 and 25. Claims 8-10, 28-30, and 46-47 include providing voter voting information for each of the one or more demographic voter categories selected and providing voter voting information for a combination of the one or more demographic voter categories selected. Again, as *Chisholm* has been shown not to teach or suggest demographic voter categories, *Chisholm* cannot teach providing voter information for each or a combination of the demographic voter categories. Claims 13, 33, and 44 recite that the request for voter voting information includes a request for voter voting information for voters having similar demographic characteristics as a user that submitted the request. *Chisholm* makes no mention of voters requesting voting information about voters with similar demographic characteristic as their own. The sections of *Chisholm* cited by the examiner as teaching this feature (col. 2, lines 21-37; col. 8, lines 59-67; col. 9, lines 16-20) merely disclose that a user may conditionally vote on a proposal if a certain number or percentage of the entire group also vote in favor of the proposal. Claims 14 and 34 recite retrieving demographic characteristics for the user and searching a voter database for voter entries corresponding to one or more of the demographic characteristics for the user. As *Chisholm* has been shown not to teach or suggest demographic voter characteristics, *Chisholm* cannot teach the features of claims 14 and 34. Claims 15 and 35 recite providing a ranking of an amount of similarity between other voters' demographic characteristics and the user's demographic characteristics. The sections of *Chisholm* cited by the examiner (col. 5, lines 16-17; col. 7, lines 3-16) merely disclose that the proposal or issue to be voted on may contain multiple alternatives that can be prioritized or ranked by the voters. Thus, *Chisholm* ranks alternatives of the issues to be voted on rather than ranking the voter's demographic characteristics as recited in claims 15 and 35. Claims 19 and 39 recite storing an indication of the vote in association with voter demographic characteristic information of the voter that submitted the vote. Again, as *Chisholm* has been shown not to teach or suggest demographic voter characteristics, *Chisholm* cannot teach storing

an indication of the vote in association with voter demographic characteristic information of the voter that submitted the vote.

Therefore, the rejection of claims 1, 2, 5-22, and 25-51 under 35 U.S.C. § 102 has been overcome.

II.   35 U.S.C. § 103, Obviousness, Claims 3, 4, 23, and 24

The examiner has rejected claims 3, 4, 23, and 24 under 35 U.S.C. § 103 as being unpatentable over *Chisholm* (U.S. Patent No. 5,400,248). This rejection is respectfully traversed.

With regard to claims 3 and 4, the examiner states:

> As per claims 3 and 4, Chisholm does not expressly disclose the method of claim 2, wherein one or more voter categories are based on one or more of age, race, gender, income level, occupation, political party affiliation, or demographic information. However, the voter labels or voter categories taught by Chisholm (col. 16, lines 41-42 and 57-60) could easily include age, race, gender, income level, occupation, political party affiliation, or demographic information as the conditional voting system taught by Chisholm is designed to depend on a variety of characteristics of other voters (col. 6, line 57-col. 7, line 21). Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Chisholm to have voter categories be based on age, race, gender, income level, occupation, political party affiliation, or demographic information since doing so provides voters with further criteria with which to create their conditional votes, thus providing a more powerful conditional voting process.

Office Action dated December 14, 2005, page 7.

Claims 4 and 24 have been canceled.

Claims 3 and 23 are dependent claims depending from independent claims 1 and 21, respectively. As applicants have already demonstrated that independent claims 1 and 21 are patentable over the *Chisholm* reference in Section I above, applicants respectfully submit that dependent claims 3 and 23 are patentable over *Chisholm* for the reasons cited in reference to independent claims 1 and 21. Applicants therefore respectfully request that dependent claims 3 and 23 be allowed.

Therefore, the rejection of claims 3, 4, 23, and 24 under 35 U.S.C. § 103 has been overcome.

III.   Conclusion

It is respectfully urged that the subject application is patentable over *Chisholm* and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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Page 14 of 14
Dutta et al. – 09/963,718